

Senator BAUCUS, chairman of the Finance Committee, are meeting with Vice President BIDEN, and progress is being made.

There is no question we should be closing tax loopholes and targeting wasteful giveaways to oil companies. I am sure Vice President BIDEN is leading the Senators and House Members toward that end. Closing these tax loopholes and targeting wasteful giveaways to the oil companies making these record profits while charging—Madam President, here in the Washington, DC, area, as I do my morning exercise, I walk past a station right off the waterfront where gasoline is \$5 a gallon. I haven't looked at it since this past week, but that is what it is. It is over \$4 a gallon all over the United States, in many, many different places. We should be focusing on that instead of ending Medicare.

So I tell my friend, the ranking member of the Budget Committee, come and talk about the Republican plan to end Medicare as we know it. And what about the subsidies for these oil companies. Shouldn't we get rid of them? It is time the Republicans abandoned their ideological plan to end Medicare and work with us to strengthen and preserve our promise to seniors instead.

Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The minority leader is recognized.

WAR ON TERROR

Mr. MCCONNELL. Madam President, since the attacks on 9/11 and the very beginning of the war on terror in 2001, most Americans have understood that we could no longer kind of passively wait for the next enemy attack. In order to defeat, dismantle, and disrupt al-Qaida, our intelligence, military, and law enforcement officials would have to work together to defeat terrorist cells, whether they are in the tribal areas of Pakistan or, frankly, here in our own backyard. Yet, if some had begun to think, after the killing of Osama bin Laden, that we could now sit back and relax a little, the recent arrest in my State, in the hometown of my colleague, Senator PAUL, of two foreign fighters who have openly admitted to conducting attacks against U.S. soldiers and marines in Iraq shows how mistaken a notion that is.

Let's look at that again. Here are two Iraqi terrorists arrested in Bowling

Green, KY, within the last couple of weeks. And the Director of Central Intelligence stated in an open hearing on Capitol Hill last week that about 1,000 members of al-Qaida in Iraq continue to fight us over in Iraq. Now we know that at least two of them—at least two of them—have left the battlefield over there to live right here in the United States.

The case of Waad Ramadan Alwan and Mohanad Shareef Hammadi shows us that terrorists continue to pose an imminent threat. We owe a debt of gratitude to the men and women who made sure they couldn't inflict more harm on Americans here or abroad once they arrived here. Anyone who has read about the investigation into their activities can only be impressed with the courage, the skill, and the professionalism of those who were involved in this effort.

Specifically, I wish to thank the men and women from the FBI's Louisville Division, the U.S. Attorney's Office for the Western District of Kentucky, the Louisville Joint Terrorism Task Force, and the Justice Department's National Security Division. Every one of those folks involved clearly did their job, and they did it very well.

That having been said, I think it is safe to say that a lot of Kentuckians, including me, would like to know why two men who either killed or plotted to kill U.S. soldiers and marines over in Iraq aren't sitting in a jail cell in Guantanamo right now. When it comes to enemy combatants, our top priority, as I have said repeatedly, should be to capture, detain, and interrogate. That wasn't done here. These men are foreign fighters—unlawful enemy combatants—who should be treated as such.

Alwan is on tape admitting to having procured explosives and missiles in Iraq and to using them daily—daily—to conduct strikes.

He said he had personally used improvised explosive devices, or IEDs, hundreds of times over a period of several years. He has talked about using them against U.S. troops and the damage he has done to U.S. military vehicles such as Humvees. He told undercover agents he was "very good with a sniper rifle end." In a reference to attacks on U.S. troops, he said his lunch and dinner would be "an American." He admitted that he "collected everything," TNT, electronic detonators, tank explosive detonators, IED detonators, mortar shells, and rocket-propelled grenades. He also said that he often placed IEDs after the curfew, and it was this activity that led to his being asked to join the mujahedin.

He even tried to demonstrate his expertise as a foreign fighter by drawing diagrams of four types of IEDs, explaining how to build them and discussing various occasions in which he used these devices against U.S. troops in Iraq. In describing one particular type of IED, Alwan said, "Anything lethal could be stuffed into it, such as ball bearings, nails, gravel, and what-

ever item that kills." Alwan's fingerprints have also allegedly been found on IEDs over in Iraq in an area in which he is known to have lived.

Once Alwan made his way to the United States, he is alleged to have recruited Hammadi to continue his fight against Americans over in Iraq by burrowing himself into a community where he thought he would go undetected. Like Alwan, Hammadi was an experienced insurgent fighter in Iraq. He too had participated in IED attacks and was part of an insurgent group that had 11 surface-to-air missiles.

Together, these two men organized shipments of money and weapons, including rocket grenade launchers, Stinger missiles, and C4 explosives that they thought they were sending back to the war zone in Iraq.

Anyone who has taken up arms against U.S. forces in the field of battle is an enemy combatant, pure and simple, and should be treated like one. They should be hunted and captured, detained and interrogated, and tried away from civilian populations according to the laws of war.

Unfortunately, since the earliest days of this administration when the President signed a series of Executive orders which directed the closing of the military detention facility at Guantanamo Bay, and limited the ability of the military and intelligence community to detain and interrogate prisoners, a higher priority has been placed upon prosecution than on executing the war on terror.

But I can say with certainty that Kentuckians don't want foreign fighters who have bragged about killing and maiming U.S. soldiers in a combat theater treated like common criminals in their own backyards. They don't want foreign fighters to be afforded all of the legal rights and privileges of U.S. citizens. They don't want foreign fighters to have their interrogations curtailed. And they don't want their fellow citizens in Kentucky subjected to the risk of reprisal that is associated with these kinds of cases, reprisals against civilian judges, reprisals against civilian jurors, and the broader community in which civilian trials are held. That was one of the many reasons that residents and lawmakers in New York City rebelled against the administration's equally foolhardy plan to try Khalid Sheikh Mohammed in a courtroom in New York. That is to say nothing of the security costs and the disruption that civilian trials for terrorists create for any American community. We have firsthand experience of this from the 2006 murder trial of Zacarias Moussaoui in Alexandria, VA.

Despite all of this, however, the administration seems fixated on the idea that once we have caught terrorists, the goal isn't to get as much intelligence out of them as quickly as possible to prevent further attacks on soldiers and citizens but to prove that we can treat them the same way we treat everybody else.